THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5884 OF 2005

16.03.2006

Between:

B.Anil Kumar Reddy, S/o.Narasa Reddy

… Petitioner

AND

The Government of A.P., represented by its

Principal Secretary, Panchayatraj and Rural

Development Department, Secretariat, Hyderabad

And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5884 OF 2005

ORDER:

The petitioner is president of Mandal Parishad, Kaluvoya Mandal in Nellore District. By impugned notice dated 21.2.2005, the first respondent called upon the petitioner to show cause why he should not be removed from the Office of the President for allegedly taking steps to inaugurate the office building of Mandal Parishad, Kaluvoya and inaugurating the building without waiting for the Panchayat Raj Engineering Department taking steps in that direction. The show cause notice was issued presumably based on a report submitted by second respondent vide letter No.C7/6150/2004 dated 7.12.2004. After receiving the notice, the petitioner submitted a letter to the Principal Secretary to Government of Andhra Pradesh in Panchayat Raj Department requesting to furnish a copy of the report sent by the District Collector, in vain. Therefore, he directly filed writ petition assailing the show cause notice.

Under Section 249(4) of A.P. Panchayat Raj Act, 1994 (the Act, for short), it is competent to the Government to remove the Member of Mandal Parishad after

issuing a notice. When a show cause notice is issued, the same cannot be put in issue in a writ petition especially when ordinarily a writ petition against show cause notice is not maintainable. However, the petitioner is justified in asking the Government to furnish a copy of the letter dated 07.12.2004. This position is not seriously disputed by the learned Assistant Government Pleader for Panchayat Raj.

Therefore, instead of keeping the matter pending, this writ petition is disposed of, directing the first respondent to furnish a copy of the letter No.C7/6150/2004 dated 7.12.2004 addressed by the District Collector, Nellore to the Government, within a period of one week from the date of receipt of a copy of this order. After receiving the copy thereof, the petitioner is given ten (10) days time to submit explanation. The Government may consider the same in accordance with Section 249(4) of the Act, including the ground urged by the learned Counsel for the petitioner that for contravention as alleged the Mandal Parishad President cannot be removed, and pass appropriate orders.

The writ petition is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

March 16, 2006

NOTE:

Dispatch order copy by 17.3.2006.

(By order)

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